

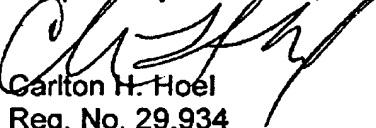
### REMARKS/ARGUMENTS

Claims 1-3, 6, 8-12, 15-18, and 20-21 are pending in the application.  
Continued examination is hereby requested.

Independent claims 1 (method) and 18 (apparatus) continue in the application; whereas, independent claims 7 (apparatus) and 13 (method) have been cancelled. Dependent claims 6, 10-12, 15-17, and 19-20 had been objected to, and this amendment consolidates them to the appropriate independent claim. New claim 21 focuses on the pseudorandom rotations of the constellation. The remaining pending claims had been rejected as anticipated by or unpatentable over Oshima and Paik.

With regard to the independent claims (1 and 18), applicants note that Paik uses trellis code modulation with a binary convolution code of rate  $\frac{1}{2}$  having generator matrix 171, 133 to produce 2 bits to select the subconstellation for the uncoded bits. This particular rate  $\frac{1}{2}$  code was likely not arbitrarily chosen by Paik; rather, this is the rate  $\frac{1}{2}$  code of constraint length 7 with the largest free distance. See for example, Proakis, Digital Communication, page 493 (McGraw Hill, 3d edition 1995). In contrast, claims 1 and 18 specify the nonobvious rate  $\frac{1}{2}$  convolution code having generator matrix 133, 175 or a specific rate  $\frac{2}{3}$  code.

Respectfully submitted,



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